

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RADIANCE, INC.,

Plaintiff,

v.

TWIN CITY FIRE INSURANCE COMPANY

Defendant.

Civil Action No. 10-10120-RGS

**MOTION FOR PARTIAL SUMMARY JUDGMENT OF PLAINTIFF RADIANCE, INC.
ON LIABILITY FOR BREACH
OF THE DUTY TO DEFEND AND INDEMNIFY**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56, Plaintiff Radianse, Inc. (“Radianse”) hereby moves for partial summary judgment on Counts I and II of the Complaint.

Radianse seeks partial summary judgment that Defendant Twin City Fire Insurance Company (“Twin City”) is liable for its failure to provide coverage for defense and indemnity costs in connection with *AccountAbility Outsourcing, Inc. v. Marcou et al.* (Superior Court, Commonwealth of Massachusetts) Civ. Action No. 08-1379-F, which named Radianse as a defendant, in violation of insurance policy 00 KB 0222077-07.

In further support of this motion, Radianse relies upon the memorandum of law, statement of undisputed facts, and appendix of exhibits filed herewith.

WHEREFORE, Radianse respectfully requests that the Court enter partial summary judgment that, as to Counts I and II, Twin City Fire Insurance Co. is liable to Radianse for the breach of its duty to defend and indemnify.

Respectfully submitted,
RADIANCE, INC.
By its attorneys,

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Dated: August 12, 2010

Certificate of Service

I, Jack R. Pirozzolo, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jack R. Pirozzolo
Jack R. Pirozzolo